IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE CIVIL JURISDICTION

Writ Petition No.2l67 of 2005

Bohra Moiz Mohd Hussain.Petitioner
vs
Maharashtra Universitry of
Health Sciences and ors.....Respondents
with
Writ Petition No.2l68 of 2005

Trupti M Naik .Petitioner
vs
Maharashtra Universitry of
Health Sciences and ors.....Respondents
with
Writ Petition No.2l69 of 2005

Rashmi K Ladda.Petitioner
vs
Maharashtra Universitry of
Health Sciences and ors.....Respondents
with W P No.2l70 of 2005
Rohit D Vedpathak... petitioner
vs
Mah University of Health
Sciences Nasik and ors.. respondents

Mr V.M.Thorat for petitioners
Mr R.V.Govilkar for respondents

CORAM: A.P.SHAH & D.Y CHANDRACHUD JJ.

Dated 14.6.2005

P.C:

. The petitioners are seeking to challenge the result of the final year BDS examination. The grievance of the petitioners is that they have not been awarded grace marks as per the relevant Ordinance. Reliance is placed on the recommendations made by Nigvekar Committee and also

on certain directions issued by the Chancellor. It appears that the Chancellor had directed the Universities to have uniform pattern regarding grace marks as recommended by the Nigvekar Committee. As far as MUHS is concerned the recommendations made by the Nigvekar Committee were not accepted and and amended Ordinance no.l of 2002 was submitted to the Chancellor incorporating rules 56, 57 and 60 . The amended Ordinance was duly approved by the Chancellor vide communications dated 20.5.2003 and l7.l0.2003. This Ordinance has been made applicable to the students in the examination held in October 2003, May 2004 and October 2004 including examinations in which the petitioners had appeared. In Punjab University vs Subash Chander and anr, (l984) 3 SCC 603 the Apex Court has observed that the University is entitled to revise rules relating to grace marks and rules which must apply are those which prevail at the time of examination. Under the circumstances it is not possible for the petitioners to contend that the rules prevailing at the time of their admission to the course must be continued, unamended and unchallenged till their course is completed or that such rules cannot be amended during the course. The Apex Court has also laid down that rule for awarding grace marks must be construed strictly so

as to ensure that minimum standards are not allowed to be diluted beyond the limit specifically laid down by the appropriate authority and it is not open for the courts to extend the concession of grace marks and grant the benefit where none is intended to be given by the appropriate authority.

. In the circumstances no relief could be granted to the petitioners. Petitions are dismissed.